

Notice of Allowability

Application No.

10/681,091

Examiner

Sandra K. Poulos

Applicant(s)

CHEN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/16/06.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/12/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Stefan Koschmieder on May 12, 2006.
3. The application has been amended as follows:

In Claim 1, remove all of part C) and insert:

“C) 1-10% by weight of α,β -unsaturated carboxylic acids, carboxylic acid nitriles, carboxylic acid amides, esters of C_3 to C_6 α,β -monoethylenically unsaturated monocarboxylic acids with C_1 to C_{12} alkanols, esters of C_3 to C_6 α,β -monoethylenically unsaturated dicarboxylic acids with C_1 to C_{12} alkanols, anhydrides of C_3 to C_6 α,β -monoethylenically unsaturated monocarboxylic acids, anhydrides of C_3 to C_6 α,β -monoethylenically unsaturated dicarboxylic acids or mixtures thereof; and”

In Claim 7, remove all text of claim 7 and replace with:

“The latex as claimed in claim 1, wherein component C is selected from the group consisting of C_3 to C_6 α,β -monoethylenically unsaturated monocarboxylic acids, C_3 to C_6 α,β -monoethylenically unsaturated dicarboxylic acids, amides of C_3 to C_6 α,β -monoethylenically unsaturated monocarboxylic acids, amides of C_3 to C_6 α,β -monoethylenically unsaturated

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dicarboxylic acids, nitriles of C₃ to C₆ α,β -monoethylenically unsaturated monocarboxylic acids, and nitriles of C₃ to C₆ α,β -monoethylenically unsaturated dicarboxylic acids.

In Claim 16, remove all of part C) and insert:

“C) 1-10% by weight of α,β -unsaturated carboxylic acids, carboxylic acid nitriles, carboxylic acid amides, esters of C₃ to C₆ α,β -monoethylenically unsaturated monocarboxylic acids with C₁ to C₁₂ alkanols, esters of C₃ to C₆ α,β -monoethylenically unsaturated dicarboxylic acids with C₁ to C₁₂ alkanols, anhydrides of C₃ to C₆ α,β -monoethylenically unsaturated monocarboxylic acids, anhydrides of C₃ to C₆ α,β -monoethylenically unsaturated dicarboxylic acids or mixtures thereof; and”

In Claim 22, remove all text of claim 7 and replace with:

“The latex as claimed in claim 16, wherein component C is selected from the group consisting of C₃ to C₆ α,β -monoethylenically unsaturated monocarboxylic acids, C₃ to C₆ α,β -monoethylenically unsaturated dicarboxylic acids, amides of C₃ to C₆ α,β -monoethylenically unsaturated monocarboxylic acids, amides of C₃ to C₆ α,β -monoethylenically unsaturated dicarboxylic acids, nitriles of C₃ to C₆ α,β -monoethylenically unsaturated monocarboxylic acids, and nitriles of C₃ to C₆ α,β -monoethylenically unsaturated dicarboxylic acids.

Statement of Reasons for Allowance

4. The present claims are allowable over the closest prior art Diehl et al in US 6,337,359.

Diehl discloses a process of making latex which comprises incrementally adding the monomer mixture to the seed under emulsion polymerization conditions. The prior art does not disclose a process of making a latex by using at least one discontinuous change when adjusting the particular molar ratios currently given for A and B. Furthermore, applicant has shown in the specification and the arguments filed 2/16/06 that the latex in the current claims has less of the by-product 4-PCH than those made by other processes.

Thus, it is clear that Diehl does not disclose or suggest the claimed invention.

In light of the above, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra K. Poulos whose telephone number is (571) 272-6428. The examiner can normally be reached on M-F 7:30-4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SKP

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